

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of	Atty. Docket
ROBERT ALBERTUS BRONDIJK	NL 031225
	Confirmation No. 8644
Serial No. 10/575,002	Group Art Unit: 2189
Filed: APRIL 6, 2006	Examiner: FAAL, B.
Title: MULTIPLE LAYER OPTICAL DISC, AND DEVICE FOR WRITING SUCH DISC	

Mail Stop Appeal Brief-Patents  
Board of Patent Appeals and Interferences  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

APPELLANT'S REPLY BRIEF

Sir:

In response to the Examiner's Answers mailed on December 28, 2009, please consider the following remarks:

REMARKS

Appellant maintains the arguments submitted in the Appeal Brief filed on October 12, 2009 which is incorporated herein by reference. Further, Appellant refutes the allegations made in the Examiner's Answer of December 28, 2009.

In particular, in the Response to Argument section 10, in the paragraph spanning pages 8-9 of the Examiner's Answer of December 28, 2009, the Examiner correctly notes that Appellant concedes that JP 2000-285609 (Tsuchiya) discloses that the border of a recorded data is changed to coincide with the layer boundary, which is a similar result as the result of the present application. The Examiner alleges that Tsuchiya discloses "that null padding is used to insert meaningless data between the cell boundary and the layer boundary." (Examiner's Answer, page 9, lines 1-2) It is further alleged that:

Tsuchiya further teaches setting a recording position to coincide with a boundary of a recording region by using an offset (§0012 lines 1-7). To set the recording position, an offset OFF is set between the VTS (video title) and VOB (video object) (§0030). The offset OFF is set by changing the offset quantity which alters the beginning position of the VOBS. The examiner notes that the maximum value is a maximum logical address of a layer which can also coincide with a cell boundary (shown in applicant's fig 3). By altering the offset, the cell boundary also changes

thus making the cell boundary coincide with the layer boundary and prevents a jump between layers while in the same video cell (Same as applicant fig. 2 and 3). (Examiner's Answer, page 9, lines 6-14)

Appellant respectfully submits that the above noted allegations merely describe various ways of changing the border of a recorded data to coincide with a layer boundary, such as by using null padding and changing offsets. The fact remains that Tsuchiya and the Applicant Admitted Prior Art (AAPA) do not disclose to making border of a recorded data coincide with the layer boundary by "changing the maximum value in said address limit memory" of a medium access device, as recited in independent claim 1, and similarly recited in independent claims 5, 11 and 26.

in the last paragraph of the Examiner's Answer, it is further alleged that:

The examiner clearly states that the claim language does not reflect the procedure (how) of changing the maximum value to differentiate the instant application from the prior art.

Appellant strongly refutes this allegation and submit that the claims specifically recite how to make border of a recorded data coincide with the layer boundary namely by "changing the maximum value in said address limit memory" of a medium access device, as recited in independent claim 1, and similarly recited in

independent claims 5, 11 and 26. Further, one skilled in the art would have no trouble understanding 'how' to change the maximum value in the address limit memory; such as by simply writing a different value in the address limit memory.

In view of the above, it is respectfully requested that independent claims 1, 5, 11 and 26 be allowed. In addition, it is respectfully submitted that claims 2-3, 6-8, 12-14 and 27-28 should also be allowed at least based on their dependence from independent claims 1, 11 and 26 as well as their individually patentable elements.

In addition, Appellant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, Appellant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

CONCLUSION

Claims 1-3, 5-8, 11-14 and 26-28 are patentable over AAPA and Tsuchiya.

Thus, the Examiner's rejections of claims 1-3, 5-8, 11-14 and 26-28 should be reversed.

Respectfully submitted,

By



Dicran Halajian, Reg. 39,703  
Attorney for Appellant  
February 18, 2010

**THORNE & HALAJIAN, LLP**  
Applied Technology Center  
111 West Main Street  
Bay Shore, NY 11706  
Tel: (631) 665-5139  
Fax: (631) 665-5101